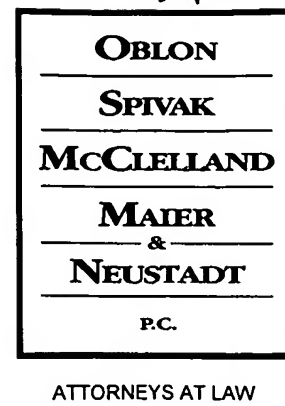




Docket No.: 249259US2X

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/782,930
Applicants: Yoshitaka SASAKI, et al.
Filing Date: February 23, 2004
For: THIN FILM MAGNETIC HEAD AND
MANUFACTURING METHOD THEREOF
Group Art Unit: 2627
Examiner: KLIMOWICZ, W. J.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of - is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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Remus F. Fetea, Ph.D.
Limited Recognition No. L0037



DOCKET NO: 249259US2X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YOSHITAKA SASAKI, ET AL. : EXAMINER: KLIMOWICZ, W. J.
SERIAL NO: 10/782,930 :
FILED: FEBRUARY 23, 2004 : GROUP ART UNIT: 2627
FOR: THIN FILM MAGNETIC HEAD :
AND MANUFACTURING
METHOD THEREOF

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated July 11, 2006, Applicants provisionally elect, with traverse, Invention I, Specie II, -Claims 1-8 and 16, corresponding to Figures 7, 8, and 30-38, for further examination on the merits in the present application.

Applicants respectfully traverse the Restriction Requirement because the PTO has not carried forward its burden of proof to establish that searching and examining the noted sets of claims would be an undue burden.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner. Thus, it is believed that an examination on the merits of Claims 1-16 is in order and it is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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